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In re Application of: :  
Pedeli :  
Application No.: 09/806,526 :  
PCT No.: PCT/AU99/00845 :  
Int. Filing Date: 01 October 1999 : DECISION  
Priority Date: 01 October 1998 :  
Atty. Docket No.: A-70470/DJB/MAK :  
For: Method For Treatment :  
of Vulcanized Rubber :

This is in response to the papers filed on 22 January 2002.

### **BACKGROUND**

This international application was filed on 01 October 1999, and claimed an earliest priority date of 01 October 1998. The International Bureau transmitted a copy of the published international application to the United States Patent and Trademark Office on 13 April 2000. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. Accordingly, the thirty month period for paying the basic national fee in the United States expired as of midnight on 01 April 2001.

On 30 March 2001, applicant filed the basic national fee accompanied by, *inter alia*, a Transmittal Letter and a surcharge under 37 CFR 1.492(e).

On 22 May 2001, a Notification of Missing Requirements was transmitted to applicants, requiring the submission of an oath or declaration of the inventors. The period for response expired on 22 July 2001, and was subject to extension under 37 CFR 1.136(a).

Applicants filed the instant papers on 22 January 2002.

### **DISCUSSION**

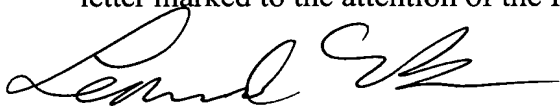
Review of the record reveals that the instant papers were filed on 22 January 2002, and included a Certificate of Mailing under 37 CFR 1.8 dated 20 December 2001. The papers are accompanied by a petition and fee for a five month extension of time under 37 CFR 1.136(a). As

a result, the papers filed on 22 January 2002 are regarded as having been timely filed in response to the Notification of Missing Requirements mailed on 22 May 2001.

The declaration is not acceptable under 37 CFR 1.42 because it does not identify the residence, address and citizenship of BOTH the deceased inventor and of the legal representative. As such, it would be inappropriate to grant relief under 37 CFR 1.42 on the basis of the present record.

If reconsideration on the merits is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file a proper response will result in abandonment of the application.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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